UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3665	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 August 2010_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _14,15 and 19-35_ is/are pending in the application.

    4a) Of the above claim(s) _22-26_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _14,15,19-21 and 27-30_ is/are rejected.

7)☒ Claim(s) _31-35_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 08/05/2010 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 14-15, 19-21 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated

by Schramm et al (WO 9967114, equivalent to IDS reference – US 6,253,123).

Regarding claim 14, Schramm et al disclose in Fig 2-5 a method for rollover stabilization

of a vehicle in a critical driving situation, comprising: ascertaining a mass of the vehicle (i.e.

mass quantity M; second height quantity hc) (Fig 3-4; Fig 5 "501"; col 2, line 66 – col 3, line 8;

col 3, line 66 – col 4, line 5; col 9, lines 15-19; col 10, lines 45-60; col 11, line 59 – col 12, line

12; col 13, line 39+; claims 5-6); executing a rollover stabilization algorithm (i.e. processor 309),

the rollover stabilization algorithm intervening in a driver operation in a critical situation using

an actuator (i.e. retarder 312; actuators 313ixj) in order to stabilize the vehicle (Abstract; Fig 3-4;

Fig 5 "501, 505"; col 9, line 16 – col 13, line 62), estimating information on a center of gravity

of the vehicle (i.e. first height quantity h) (Fig 4; Fig 5 "501"; col 3, lines 21-57; col 6, lines 38+;

col 11, line 59 – col 12, lines 12; col 13, line 39+; claim 5), wherein the rollover stabilization

algorithm (i.e. processor 309) is executed as a function of the vehicle mass and the information

on the center of gravity of the vehicle (Fig 4; Fig 5 "501"; col 11, line 59 – col 13, line 45;

claims 5-6), and wherein the information on the center of gravity of the vehicle is derived from

an estimated characteristic speed (Fig 2-4; col 3, lines 21-57; col 6, line 38 – col 7, line 60; col

11; col 9, lines 20-47; col 11, line 58 – col 2, line 1).

Regarding claim 15, Schramm et al disclose in Fig 3 the mass of the vehicle is estimated

using an algorithm (i.e. mass quantity processor 308) (col 9, lines 15-19).

Regarding claim 19, Schramm et al disclose in Fig 2-4 the information on the center of

gravity of the vehicle is ascertained from the estimated characteristic speed and from a ratio of

the contact patch forces of opposite wheels during cornering (col 3, lines 21-57; col 6, line 38 -

col 7, line 60; col 11; col 9, lines 20-47; col 11, line 58 - col 2, line 1; claim 5).

Regarding claim 20, Schramm et al disclose in Fig 3-5 one of an indicator variable or a

characteristic property (i.e. reads on two limit values of vehicle speed vr, vk) of the rollover

stabilization algorithm is determined as a function of one of the mass of the vehicle or the mass

of the vehicle and information on the center of gravity of the vehicle, the release of deactivation

of the stabilization intervention being a function of the indicator variable (Fig 5 "501-503"; col 2,

line 57 – col 4, line 5; col 10, line 45+; col 11, line 44 – col 13, line 62; claims 5-6).

Regarding claims 21 and 29, Schramm et al disclose in Fig 3-5 one of a control threshold

value, a system deviation or a controlled variable (i.e. reads on two limit values of vehicle speed

vr, vk) of the rollover stabilization algorithm is determined as a function of one of the mass of

the vehicle or the mass of the vehicle and the information on the center of gravity of the vehicle

(Fig 5 "501-503"; col 2, line 57 – col 4, line 5; col 10, line 45+; col 11, line 44 – col 13, line 62;

claims 5-6).

Regarding claim 27, Schramm et al disclose in Fig 3-5 information is estimated on a

center of gravity of the vehicle (i.e. first height quantity h) (Fig 4; Fig 5 "501"; col 3, lines 21-57;

col 6, lines 38+; col 11, line 59 – col 12, lines 12; col 13, line 39; claim 5), wherein the rollover

stabilization algorithm is executed as a function of the vehicle mass and the information on the

center of gravity of the vehicle ((Fig 4; Fig 5 "501"; col 11, line 59 – col 13, line 45; claims 5-6),

wherein the information on the center of gravity of the vehicle is at least one of derived from an

estimated characteristic speed, and ascertained from a ratio of contact patch forces of opposite

wheels during cornering (col 3, lines 21-57; col 6, line 38 - col 7, line 60; col 11; col 9, lines 20-

47; col 11, line 58 - col 2, line 1; claim 5), and wherein one of an indicator variable or a

characteristic property (i.e. reads on two limit values of vehicle speed vr, vk) of the rollover

stabilization algorithm is determined as a function of one of the mass of the vehicle or the mass

of the vehicle and information on the center of gravity of the vehicle, the release of deactivation

of the stabilization intervention being a function of the indicator variable (Fig 5 "501-503"; col 2,

line 57 – col 4, line 5; col 10, line 45+; col 11, line 44 – col 13, line 62; claims 5-6).

Regarding claim 28, Schramm et al disclose in Fig 2-4 the information on the center of

gravity of the vehicle is ascertained from a ratio of contact patch forces of opposite wheels

during cornering (col 3, lines 21-57; col 6, line 38 - col 7, line 60; col 11; col 9, lines 20-47; col 11, line 58 - col 2, line 1; claim 5).

Regarding claim 30, Schramm et al disclose in Fig 2-5 a method for rollover stabilization of a vehicle in a critical driving situation, comprising: ascertaining a mass of the vehicle (i.e. mass quantity M; second height quantity hc) (Fig 3-4; Fig 5 "501"; col 2, line 66 – col 3, line 8; col 3, line 66 – col 4, line 5; col 9, lines 15-19; col 10, lines 45-60; col 11, line 59 – col 12, line 12; col 13, line 39+; claims 5-6); executing a rollover stabilization algorithm (i.e. processor 309), the rollover stabilization algorithm intervening in a driver operation in a critical situation using an actuator (i.e. retarder 312; actuators 313ixj) in order to stabilize the vehicle (Abstract; Fig 3-4; Fig 5 "501, 505"; col 9, line 16 – col 13, line 62), estimating information on a center of gravity of the vehicle (i.e. first height quantity h) (Fig 4; Fig 5 "501"; col 3, lines 21-57; col 6, lines 38+; col 11, line 59 – col 12, lines 12; col 13, line 39+; claim 5), wherein the rollover stabilization algorithm (i.e. processor 309) is executed as a function of the vehicle mass and the information on the center of gravity of the vehicle (Fig 4; Fig 5 "501"; col 11, line 59 – col 13, line 45; claims 5-6), and wherein the information on the center of gravity of the vehicle is ascertained from a ratio of contact patch forces of opposite wheels during cornering (Fig 2-4; col 3, lines 21-57; col 6, line 38 - col 7, line 60; col 11; col 9, lines 20-47; col 11, line 58 - col 2, line 1; claim 5).

4.   While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Allowable Subject Matter

5.   Claims 31-35 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Response to Arguments

6.   Applicant's arguments filed 08/05/2010 have been fully considered but they are not

persuasive.

Applicant argues that the prior art of Schramm et al do not teach information on

the center of gravity being derived from a characteristic speed as claimed.

Examiner respectfully disagrees because although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See In re Van

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, how the characteristic speed is

evaluated specifically is not claimed.

Also, Applicant is required to review the entire prior art for the teaching of the claimed

limitation, instead of relying only on the recitation by Examiner. However, Examiner had

clearly point out from the prior art of Schramm et al Fig 2-4, col 3; lines 21-57, col 6, line 38 -

col 7, line 60; col 9, lines 20-47; col 11, line 58 - col 12, line 1 (typographical error was

corrected). For instance - col 3, lines 55-57 stated: "At least one limit value for the vehicle speed

is determined as a function of this first height quantity". Fig 4, col 11, line 58 - col 12, line 1

stated: "In a processor block 403, first height quantity h and second height quantity hc are

determined. The first height quantity is determined as follows, for example: first, dynamic

running radii which describe the performance of the respective wheel are determined as a function of vehicle speed vf, wheel rpm nixj and path quantity r. On the basis of these dynamic running radii, first height quantity h, which corresponds to the height of the center of gravity, is determined by taking into account axle-specific wheel loads mlix, vehicle speed vf and path quantity r". Therefore, Schramm et al does teach that "information on the center of gravity of the vehicle is derived from an estimated characteristic speed" as claimed; thus the rejections based on Schramm et al are still proper.

Conclusion

7.   The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG P. NGUYEN whose telephone number is (571)272-3445. The examiner can normally be reached on M-F, 8:00 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CN

/JACK KEITH/
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